



PLANNING COMMISSION SUMMARY OF ACTIONS

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GLW

May 7, 2003

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PRESENT: Commissioners Alcorn, Byers, DuBois, de la Fe, Harsel, Kelso, Koch, Moon, Murphy, Smyth, Wilson

ABSENT: Commissioner Hall

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The meeting was called to order at 8:29 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Smyth MOVED THAT WE FURTHER DEFER THE PUBLIC HEARING ON RZ-2002-PR-025 AND FDP-2002-PR-025, DSF/LONG METRO LLC, TO A DATE CERTAIN OF JUNE 19, 2003.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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Commissioner Smyth MOVED THAT WE FURTHER DEFER THE DECISION ONLY ON RZ-2002-PR-031, ERNESTO AND NILA CASTRO, TO A DATE CERTAIN OF JUNE 19, 2003.

Commissioner Wilson seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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ZONING ORDINANCE AMENDMENT (ADU Program) (Decision Only - Public Hearing was held on April 10, 2003)

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENTS REGARDING AFFORDABLE DWELLING UNITS AS SET FORTH IN THE FEBRUARY 20, 2003 MEMORANDUM FROM JANE GWINN TO THE PLANNING COMMISSION WITH AN EFFECTIVE DATE OF 12:01 A.M. ON JANUARY 31, 2004.

Commissioners Kelso and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BE DIRECTED TO DEVELOP A PRICING SCHEDULE FOR MID-RISE, MULTIPLE FAMILY DWELLING UNITS WHICH WOULD INCLUDE MORE THAN ONE TIER, hopefully, OF PRICING AND THAT THEY DO THIS NO LATER THAN DECEMBER 31, 2003.

Commissioners Kelso and de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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S02-II-V1 - OUT-OF-TURN PLAN AMENDMENT

(Decision Only - Public Hearing was held on April 10, 2003)

Commissioner Smyth MOVED THAT THE PLANNING COMMISSION APPROVE THE ALTERNATIVE DATED MAY 7, 2003.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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Commissioner Kelso announced his intention to defer PCA-1998-LE-048-2 and FDPA-1998-LE-048-1-2, MPW, LLC, from its currently scheduled date of May 29, 2003 to June 12, 2003.

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RZ-2002-SU-039 - OMR, LLC

FDP-2002-SU-039 - OMR, LLC

(Decision Only - Public Hearing was held on April 30, 2003)

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-SU-039, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 6, 2003.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2002-SU-039.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE OPEN SPACE REQUIREMENT.

Commissioner de la Fe seconded the motion which carried by a vote of 10-0-1 with Commissioner Byers abstaining; Commissioner Hall absent from the meeting.

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SE-2002-SP-025 - FAIR OAKS CHILD DEVELOPMENT CENTER

(Decision Only -Public Hearing was held on May 1, 2003)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE-2002-SP-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 7, 2003 WITH CHANGES

TO DEVELOPMENT CONDITION 4 REGARDING THE ACCESS AND EGRESS TO THE SITE;

AND A NEW DEVELOPMENT CONDITION 18 WHICH WOULD READ:
"PRIOR TO THE BOARD OF SUPERVISORS' PUBLIC HEARING, THE APPLICANT WILL AMEND THE SPECIAL EXCEPTION PLAT TO REFLECT THE FINAL SEPTIC FIELD DELINEATION AS APPROVED BY THE FAIRFAX COUNTY HEALTH DEPARTMENT. IF NEEDED, DEPENDING UPON THE LOCATION OF THAT FIELD, THE APPLICANT WILL PROVIDE SUPPLEMENTAL PLANTING IN THE AREAS ENCROACHING INTO THE TRANSITIONAL SCREENING YARD TO ACHIEVE THE TRANSITIONAL SCREENING TYPE I OBJECTIVES AS DETERMINED BY STAFF."

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUEST TO WAIVE THE BARRIER REQUIREMENT AND MODIFY THE TRANSITIONAL SCREENING REQUIREMENTS TO PERMIT THE EXISTING MATURE VEGETATION TO REMAIN.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REQUEST FOR A SERVICE DRIVE WAIVER; THE REQUEST TO MODIFY THE PUBLIC FACILITIES MANUAL REQUIREMENTS TO PERMIT THE EXISTING ASPHALT TRAIL TO REMAIN IN LIEU OF THE CONCRETE SIDEWALK; AND THE REQUEST TO WAIVE FRONTAGE IMPROVEMENTS ALONG LEE HIGHWAY.

Commissioner Kelso seconded the motion which carried by a vote of 9-0-2 with Commissioners Harsel and Koch abstaining; Commissioner Hall absent from the meeting.

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CHESAPEAKE BAY AMENDMENTS

CHAPTER 101 (SUBDIVISION ORDINANCE)

CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL ORDINANCE)

CHAPTER 112 (ZONING ORDINANCE)

CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE)

PUBLIC FACILITIES MANUAL

(Decision Only - Public Hearing was held on April 30, 2003)

Commissioner Alcorn MOVED THAT THE TESTIMONY AND ALL ITEMS FROM THE PUBLIC RECORD FOR THE PUBLIC HEARING HELD ON JANUARY 15, 2003 BE INCORPORATED INTO THE RECORD FOR THE PUBLIC HEARING HELD ON APRIL 30, 2003 TO CREATE A COMBINED RECORD FOR THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE, EROSION AND SEDIMENTATION CONTROL ORDINANCE, (ZONING ORDINANCE), CHESAPEAKE BAY PRESERVATION ORDINANCE AND PUBLIC FACILITIES MANUAL

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE CIRCULATED TO THE COMMISSION TONIGHT IDENTIFIED AS "PLANNING COMMISSION RECOMMENDATION DATED DRAFT 5/6/03" WITH THE FOLLOWING CHANGES: FIRST OF ALL, REPLACE SECTION 118-6-3 SHOWN ON SHEET 31 DATED DRAFT 5/6/03 WITH THE NEW LANGUAGE SHOWN ON SHEET 31 DATED DRAFT 5/7/03 AND ADOPTION OF THE PROPOSED AMENDMENTS TO THE SUBDIVISION ORDINANCE, EROSION AND SEDIMENTATION CONTROL ORDINANCE, (ZONING ORDINANCE,) AND PUBLIC FACILITIES MANUAL DATED 4/15/03 THAT ARE ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Wilson suggested the following amendments:

ON THE REPLACED PAGE 31 DESIGNATED BY MR. ALCORN, THAT WE ADD THE WORDS "OR CIVIC ASSOCIATIONS" AFTER THE WORDS "HOMEOWNERS ASSOCIATIONS" IN THE ELEVENTH LINE OF PARAGRAPH C TO 118-6-3;

THAT, ON PAGE 29 OF THE PROPOSAL, WE MAKE THE DATE OF ACCEPTANCE, THAT TERMINOLOGY, CONSISTENT WITH CORRESPONDING TERMINOLOGY FOR FILINGS OF REZONING AND SPECIAL EXCEPTION APPLICATIONS.

ON PAGE 7, WITH RESPECT TO NOXIOUS WEEDS, THAT WE ADD THE LANGUAGE TO THE END OF THAT SENTENCE THAT STATES: "AND ANY OTHER SPECIES HEREINAFTER DESIGNATED BY THE STATE AS A NOXIOUS WEED."

ON PAGE 41, IN SECTION 118-7-3, THAT WE ADD A PROVISION FOR AN APPOINTMENT OF EXCEPTION REVIEW COMMITTEE MEMBERS TO TERMS OF FOUR YEARS EACH.

Commissioners Alcorn and Smyth accepted these amendments and the motion, as amended, carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION ORDINANCE, THE SUBDIVISION ORDINANCE, THE EROSION AND SEDIMENTATION CONTROL ORDINANCE, (THE ZONING ORDINANCE) AND THE PUBLIC FACILITIES MANUAL BE EFFECTIVE 60 DAYS AFTER ADOPTION; PROVIDED HOWEVER THAT WITH RESPECT TO THE DEFINITION OF "WATER BODY WITH PERENNIAL FLOW" IN PARAGRAPH DD SHOWN ON PAGE 9, THE FIRST VERSION OF PARAGRAPH DD SHALL BE EFFECTIVE FROM THE EFFECTIVE DATE OF THE AMENDMENTS THROUGH DECEMBER 31, 2003, AND THE SECOND VERSION OF PARAGRAPH DD SHALL BE EFFECTIVE JANUARY 1, 2004.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION BY SEPARATE RESOLUTION OF THE VESTING POLICY FOR APPROVED AND PENDING PLANS OF DEVELOPMENT ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ENDORSEMENT OF THE PERENNIAL STREAM IDENTIFICATION PROTOCOL DATED MAY 2003, ATTACHED TO THE STAFF REPORT ADDENDUM DATED APRIL 30, 2003, DEVELOPED BY THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES FOR IN FIELD DETERMINATIONS OF STREAM PERENNIAL AND FOR CREATION OF THE COUNTY'S CHESAPEAKE BAY PRESERVATION AREA MAPS.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE BOARD DIRECT THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO CREATE A UNIFIED PLACE ON THE COUNTY'S WEBSITE TO PRESENT THIS ORDINANCE, POLICIES RELATING TO THIS ORDINANCE, AND ANY ADMINISTRATIVE GUIDANCE THAT IS DEVELOPED TO ASSIST LANDOWNERS, APPLICANTS, AND OTHER STAKEHOLDERS IN THIS PROCESS.

Commissioners Kelso and Wilson seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS, IN THE EVENT THAT THE STATE DOES NOT APPROVE THE PROTOCOL BY THE TIME OF THE EFFECTIVE DATE, EXTEND THE EFFECTIVE DATE UNTIL SUCH TIME THAT THE STATE APPROVES THE FAIRFAX COUNTY PROTOCOL.

Commissioner Wilson seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

Commissioner Wilson suggested an additional motion to include a cross reference to the vesting policy in Section 118-1-12. Commissioner Alcorn SO MOVED.

Commissioner Smyth seconded the motion which carried unanimously with Commissioners Byers and Harsel not present for the vote; Commissioner Hall absent from the meeting.

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Commissioner Smyth reminded the Commission that there would be a Policy and Procedures Committee meeting on Wednesday, May 21, 2003 at 7:00 p.m. in the Board Conference Room to discuss stormwater management issues.

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SE-2002-HM-041 - GREATER ATLANTIC BANK

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2002-HM-041, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED FEBRUARY 19, 2003, AMENDED AS FOLLOWS:

IN CONDITION 4, THE SATURDAY HOURS WILL BE 7:30 A.M.
TO 12:00 NOON;

AND IN CONDITION 8, THE SECOND SENTENCE OF THE
CONDITION SHALL BE DELETED.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Hall absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND WAIVER OF THE BARRIER TO THE SOUTH AND EAST IN FAVOR OF EXISTING VEGETATION AS SHOWN ON THE SE PLAT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Hall absent from the meeting.

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RZ-2002-MA-045 - OAK STREET BUILDERS, LLC

SEA-84-M-069 - OAK STREET BUILDERS, LLC

FS-M03-9 - OAK STREET BUILDERS, LLC

On behalf of Commissioner Hall, Commissioner Wilson MOVED THAT THE PLANNING COMMISSION FIND THAT THE FACILITIES PROPOSED UNDER FS-M03-9 FOR THE VIRGINIA POWER SUBSTATION SATISFY THE CRITERIA OF LOCATION, CHARACTER AND EXTENT AS SPECIFIED IN SECTION 15.2-2204 AND 15.2-2232 OF THE *CODE OF VIRGINIA*.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA-84-M-069, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 7, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2002-MA-045, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED MAY 1, 2003, WITH THE FOLLOWING TWO CHANGES:

ADD A SENTENCE AT THE END OF PROFFER 7, TO READ:
"INITIAL PURCHASERS SHALL BE ADVISED IN WRITING OF
THESE RESPONSIBILITIES PRIOR TO EXECUTION OF THE
SALES CONTRACT."

THE LAST SENTENCE OF PROFFER 10 SHALL READ AS FOLLOWS:
"THE APPLICANT SHALL CONDUCT PHASE II OR PHASE III
SURVEYS, IF DETERMINED NECESSARY; HOWEVER, THE
APPLICANT'S TOTAL COST FOR PHASE II AND PHASE III
COMBINED SHALL NOT EXCEED \$10,000."

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

Commissioner Wilson MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE MINIMUM DISTRICT SIZE FOR THE R-8 DISTRICT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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SEA-96-Y-011 - OGLETHORPE LIMITED PARTNERSHIP

Commissioner Koch MOVED THAT SEA-96-Y-011 BE DEFERRED FOR DECISION ONLY, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT, UNTIL MAY 21, 2003.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Hall absent from the meeting.

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2232-H03-6 - SPRINT PCS

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION DETERMINE, IN ACCORDANCE WITH *VIRGINIA CODE* 15.2-2232, AS AMENDED, THAT THE PROPOSAL BY SPRINT PCS TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AT FRYING PAN PARK, LOCATED AT 2709 WEST OX ROAD, IS SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Wilson, DuBois, and Byers seconded the motion which carried unanimously with Commissioners Alcorn, Kelso and Koch not present for the vote; Commissioner Hall absent from the meeting.

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The meeting was adjourned at 10:25 p.m.
Peter F. Murphy, Jr., Chairman